

## Message Text

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PAGE 01 STATE 028556

11  
ORIGIN SCSE-00

INFO OCT-01 ISO-00 L-02 H-02 DODE-00 EA-10 /015 R

DRAFTED BY SCA:SCS:RJBOYLAN:GJL

APPROVED BY SCA:SCS:LELANE

SCA:SCS:LPMULLIN

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R 071952Z FEB 75  
FM SECSTATE WASHDC  
TO AMEMBASSY TOKYO

UNCLAS STATE 028556

E.O. 11652:N/A

TAGS: CGEN (OWENS, JAMES C. JR.)

SUBJECT: NAVY RULING CONCERNING VALIDITY OF DIVORCES IN  
JAPAN

REF: TOKYO 1235

1. THE DEPARTMENT HAS CONTACTED THE LEGAL ASSISTANCE  
DIVISION OF THE JUDGE ADVOCATE GENERAL'S OFFICE, USN, TO  
EXPRESS OUR INTEREST IN THE REFERENCED RULING. JAG  
INDICATES THAT PETTY OFFICER OWENS IMMEDIATE PROBLEMS  
MAY BE SOLVED BY REMARRYING MS. ESTRUP INASMUCH AS HIS FIRST  
WIFE OBTAINED A MICHIGAN DIVORCE FROM OWENS IN NOV. 73.  
THE U.S. DIVORCE REMOVES ANY IMPEDIMENT TO A MARRIAGE  
OCCURRING AFTER NOV. 73.

2. HOWEVER, JAG INDICATES THAT IT WILL CONTINUE TO APPLY  
THE REASONING WHICH LED TO THE DECISION IN OWENS' CASE,  
NAMELY, THAT SERVICEMEN STATIONED ABROAD CANNOT ACQUIRE A  
RESIDENCE IN THE COUNTRY IN WHICH THEY ARE STATIONED; THAT  
THEIR RESIDENCE THEREFORE REMAINS IN ONE OF THE 50 STATES;  
THAT THE 50 STATES HAVE EXCLUSIVE JURISDICTION TO DETERMINE  
THE VALIDITY OF THEIR RESIDENTS' DIVORCES, NO MATTER WHERE  
OBTAINED; THAT THE STATES HAVE VARYING OPINIONS AS TO THE  
VALIDITY OF FOREIGN DIVORCES; AND THAT THERE IS CONSEQUENTLY  
A CLOUD OVER THE MARRIAGE, AT LEAST TO THE EXTENT THAT THE  
NAVY WILL NOT DISBURSE FUNDS ON THE BASIS OF SUCH A MARRIAGE  
ABSENT A STATE RULING (I.E. DECLARATORY JUDGEMENT) CONFIRM-  
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ING ITS VALIDITY. KISSINGER

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 07 FEB 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** n/a  
**Disposition Approved on Date:**  
**Disposition Authority:** n/a  
**Disposition Case Number:** n/a  
**Disposition Comment:**  
**Disposition Date:** 01 JAN 1960  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1975STATE028556  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** SCS:RJBOYLAN:GJL  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** D750046-0869  
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**Locator:** TEXT ON-LINE, ON MICROFILM  
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**Original Classification:** UNCLASSIFIED  
**Original Handling Restrictions:** n/a  
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**Page Count:** 2  
**Previous Channel Indicators:** n/a  
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**Previous Handling Restrictions:** n/a  
**Reference:** 75 TOKYO 1235  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** ElyME  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 31 DEC 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** WITHDRAWN <22 SEP 2003 by RowellE0, PRIVACY>; RELEASED <31 DEC 2003 by ElyME>; APPROVED <31 DEC 2003 by ElyME>  
**Review Markings:**  

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
05 JUL 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** NAVY RULING CONCERNING VALIDITY OF DIVORCES IN JAPAN  
**TAGS:** CGEN, (OWENS, JAMES C JR)  
**To:** TOKYO  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006